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Signature

*St. F. Goldstein*

Date

February 27, 2002

MAR 11 2002

**NOTICE OF APPEAL  
FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS**

Customer Number 24353

Application Number 09/313,292

Confirmation Number N/A

Filing Date May 13, 1999

First Named Inventor LEWIS T. WILLIAMS

Examiner Name J. BRUSCA

Group Art Unit 1631

Attorney Docket 1487.002

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Sir:

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner dated, August 31, 2001 finally rejecting claims 13, 15-21, 23-29, 31-37, 39-45, 47-53, 55-61, 63-69, 71-77, 79-85, 87 and 122.

The fee for this Notice of Appeal is (37 C.F.R. § 1.17(b)): \$ 320.00

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

Therefore, the fee shown above is reduced by 1/2, and the resulting fee is: \$

☒ A petition for an extension of time under 37 C.F.R. § 1.136(a) from

November 30, 2001 to February 28, 2002 is requested. The fee is: \$ 920.00

Total amount to be charged to Deposit Account 50-0815: \$ 1,240.00

**The Commissioner is authorized to charge any fees which may be required, or credit any overpayment to Deposit Account 50-0815. If additional fees are required, including extensions of time, please consider this a petition therefore.**

I am the:

☐

applicant/inventor

☐

assignee of record of the entire interest.

See 37CFR 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed.

☒

attorney or agent of record

☐

attorney or agent acting under 37 CFR 1.34(a)

Registration number if acting under 37 C.F.R. § 1.34(a).

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date:

*February 27, 2002*

By:

*Carol L. Francis*

Carol L. Francis, Reg. No. 36,513

BOZICEVIC, FIELD & FRANCIS LLP

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Menlo Park, CA 94025

Telephone: (650) 327-3400

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<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>		Application Number	09/313,292
		Filing Date	May 13, 1999
		First Named Inventor	LEWIS T. WILLIAMS
		Group Art Unit	J. BRUSCA
		Examiner Name	1631
Total Number of Pages in This Submission	6	Attorney Docket Number	1487.002

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Notice of Appeal <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <b>RETURN POSTCARD</b>
Remarks: _____		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	CAROL L. FRANCIS, Reg. No. 36,513
Signature	<i>Carol L. Francis</i>
Date	February 27, 2002

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Typed or printed name	Steven F. Goldstein	Date	February 27, 2002
Signature	<i>Steven F. Goldstein</i>		

Burden Hour Statement: This form is estimated to take 2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

MAR 11 2002

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/313,292
Filing Date	May 13, 1999
First Named Inventor	LEWIS T. WILLIAMS
Examiner Name	J. BRUSCA
Group Art Unit	1631
Attorney Docket No.	1487.002

TOTAL AMOUNT OF PAYMENT	(\$ 1,240.00)
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## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit overpayments to:
- Deposit Account Number **50-0815**  
 Deposit Account Name **Bozicevic, Field & Francis LLP**
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant Claims small entity status.  
 See 37 CFR 1.27

2. ☐ Payment Enclosed:
☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

## 2. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) 0

## 1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
66-20**	=	x	=
Indep. Claims 24-3**	=	x	=
Multiple Dependent	=	=	=

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examination action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	320
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavowable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	For each additional invention to be examined (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

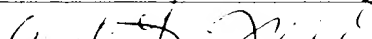
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,240.00)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Carol L. Francis	Registration No. (Attorney/Agent)	36,513	Telephone	(650) 327-3400
Signature		Date	02/27/2002		

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